



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Andrew Desin :

Application Serial No.: 10/615,696 :

Filing Date: July 9, 2003 :

Attorney Docket No.: 03-40054-US :

Group Art Unit: Not Yet Assigned :

**A MATERIAL CONDITIONER AND  
STABILIZER AND METHOD FOR  
MAKING AND USING SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**PRELIMINARY AMENDMENT**

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It is believed that this Preliminary Amendment is being filed prior to the issuance of the first Office Action. Therefore, kindly amend the application as follows:

36. (new) A compound for enhancing the physical properties of a mining material having pliantcy, durability, and imperviousness, said compound comprising:

from about 55 to about 75% by weight a resin;

from about 20 to about 30% by weight a polymer; and

from about 1 to about 15% by weight an emulsifier;

wherein said compound is mixed with an asphalt emulsion; and

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wherein said resin and said polymer change at least one of said pliantcy, durability, and imperviousness of the material.

37. (new) A compound for enhancing the physical properties of a material used as a patch for paved roads having pliantcy, durability, and imperviousness, said compound comprising:

from about 55 to about 75% by weight a resin;

from about 20 to about 30% by weight a polymer; and

from about 1 to about 15% by weight an emulsifier;

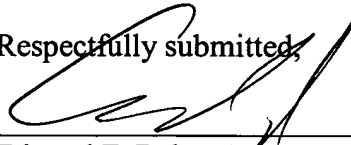
wherein said compound is mixed with an asphalt emulsion; and

wherein said resin and said polymer change at least one of said pliantcy, durability, and imperviousness of the material.

It is believed that no fee is due in connection with this Preliminary Amendment.

However, the Commissioner is hereby authorized to charge any fees or credits due in connection with this filing to Deposit Account No. 18-0586.

Respectfully submitted,



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Edward F. Behm Jr.  
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03-29-04

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March 26, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EV342400625US

Re: US Patent Appl. Serial No. 10/615,696  
Filed: July 9, 2003  
For: Material Conditioner and Stabilizer and Method  
or Making and Using Same  
Attorney Docket No. 03-40054-US (883833.20001)

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. Preliminary Amendment;
2. Fee Transmittal Form
3. Check in the amount of \$86.00 for the filing fee for two (2) additional independent claims; and
4. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

The Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account No. 18-0586.

Respectfully submitted,

Edward F. Behm, Jr.  
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Tel.: (215) 241-5666  
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Attorney for Applicant

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 342400625 US

Date of Deposit March 26, 2004

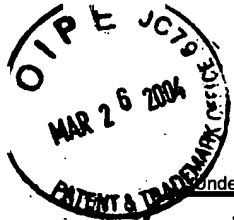
I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Elaine Weisbecker

Signature Elaine Weisbecker

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ ) 86.00

**Complete if Known**

Application Number	10/615,696
Filing Date	7/9/03
First Named Inventor	A. Desin
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	03-40054-US

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

18-0586

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ )

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =		X		
Independent Claims	2	-3** =		X		86.
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ )

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Edward F. Behm, Jr.	Registration No. (Attorney/Agent)	52,606	Telephone	215 851-5666
Signature		Date	3-26-04		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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